

PUBLIC NOTICE NO. MT-09-03

February 9, 2009

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facilities listed in this notice. These permits are issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared draft permits for the facilities listed below. Copies of the draft permits, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website [www.deq.mt.gov](http://www.deq.mt.gov).

APPLICANT INFORMATION

APPLICANT: Luzenac America, Inc.  
P.O. Box 130  
Cameron, MT 59720

FACILITY NAME: Luzenac America Yellowstone Mine

FACILITY LOCATION: Sections 3, 4, 5 and 9, Township 9 South,  
Range 1 West and Sections 32, 33 and 34, Township 8 South,  
Range 1 West, Madison County

RECEIVING WATER: Outfall 001: Johnny Gulch  
Outfall 002: Unnamed Irrigation Ditch  
Outfall 003: Unnamed Irrigation Ditch

PERMIT NUMBER: MT0028584

Luzenac America Inc.'s (LAI) Yellowstone Mine currently has an existing Montana Pollutant Discharge Elimination System (MPDES) permit to discharge mine dewatering wastewater to Johnny Gulch and surface runoff to an unnamed irrigation ditch, which ultimately discharges to Cherry Gulch via Ruby Creek Irrigation Ditch. The LAI Yellowstone Mine is an open-pit talc mining and sorting operation. The mine is located within the Johnny Gulch drainage of the Gravelly Mountain Range approximately 10 miles south of Cameron.

LAI Yellowstone Mine requested a permit modification to substitute use of their gravel pit (Pond

9A) for a proposed Pond 6A required by permit compliance schedule and to add an Outfall 003 from Pond 9A. Substitution of Pond 9A for Pond 6A provides more storm water storage and treatment capacity and provides for operational flexibility. Outfall 003 is located about 2,000 feet north and east of Outfall 002 and will be used alternatively with Outfall 002. No discharge is allowed from either Outfall 002 or Outfall 003 except as a result of runoff from a rainfall event that exceeds the 10 year, 24 hour storm or equivalent snowmelt. LAI Yellowstone Mine was required by the current permit to develop a Storm Water Pollution Prevention Plan (SWPPP) that utilizes best management practices to minimize the impact of storm water runoff from the mine site.

The Department has made a tentative decision to modify the current permit as requested by the applicant. In accordance with ARM 17.30.1365(4)(b), only those conditions to be modified may be reopened and subject to public comment. All other conditions of the current permit remain in effect.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM, District of Montana, Missoula Division. The Department finds that the issuance of this proposed permit does not conflict with the order because, neither Johnny Gulch nor the unnamed irrigation ditch have been listed as impaired and in need of a TMDL.

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APPLICANT:	City of East Helena P.O. Box 1170 East Helena, MT 59635
FACILITY NAME:	City of East Helena Wastewater Treatment Plant (WWTP)
FACILITY LOCATION:	3330 Plant Road East Helena, MT 59635 Section 25, Township 10 North, Range 03 West, Lewis and Clark County
RECEIVING WATER:	Outfall 001: Prickly Pear Creek
PERMIT NUMBER:	MT0022560

This Public Notice is for the renewal of MPDES permit MT0022560 issued to the City of East Helena. The City of East Helena WWTP is an aerated, activated sludge, Bio-Lac wastewater treatment system with continuous discharge to Prickly Pear Creek via Outfall 001. The present facility design flow is 0.434 million gallons per day (mgd). New effluent

limits for nutrients, metals, and total ammonia as N are proposed, as are increased effluent and in stream monitoring. The facility discharge loads are below nondegradation threshold values for significance determination and the POTW is, therefore, not a new or increased source under Nondegradation.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CA 97-35-M-DWM, District of Montana, Missoula Division.

The Department of Environmental Quality finds that the issuance of this proposed permit does not conflict with the order because the Lake Helena and Prickly Pear Creek TMDLs have been developed and the MPDES permit incorporates the necessary TMDL-defined waste load allocations.

#### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS March 11, 2009. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS March 11, 2009 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Carol Bertke or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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